

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SHAWN CHRISTOPHER PRICE,	:	CIVIL ACTION NO. 1:14-CV-2109
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
DET. BUSCHMAN, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 25th day of February, 2015, upon consideration of the report (Doc. 12) of Chief Magistrate Judge Martin C. Carlson, recommending the court grant *pro se* plaintiff's motion (Doc. 2) for leave to proceed *in forma pauperis* but dismiss plaintiff's amended complaint (Doc. 10) with prejudice, wherein Judge Carlson specifically finds that plaintiff's claim for excessive force against Detective Buschman is time-barred, and that his supervisory liability and *respondeat superior* claims against the remaining defendants fail on the merits, and notes that the court has already granted leave to amend on one occasion, (see Doc. 9), and that plaintiff has failed to, and indeed cannot, cure the deficiencies identified in the magistrate judge's report, see Grayson v. Mayview State Hosp., 293 F.3d 103, 108 (3d Cir. 2002) (advising that leave to amend must be liberally granted "unless amendment would be inequitable or futile"), and, following an independent review of the record, the court being in agreement with the magistrate judge that the *pro se* plaintiff's claims are subject to dismissal, and also agreeing that amendment could not cure the

deficiencies identified in the report, and noting that plaintiff filed an objection¹ (Doc. 14) to the report, and the court finding his objection to be without merit and squarely addressed by Judge Carlson's report, it is hereby ORDERED that:

1. The report (Doc. 12) of Chief Magistrate Judge Carlson is ADOPTED.
2. Plaintiff's motion (Doc. 2) for leave to proceed *in forma pauperis* is GRANTED.
3. Plaintiff's amended complaint (Doc. 10) is DISMISSED with prejudice.
4. The Clerk of Court is directed to CLOSE this case.
5. Any appeal from this order is deemed to be frivolous and not taken in good faith. See 28 U.S.C. § 1915(a)(3).

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania

¹ When a party objects to a magistrate judge's report and recommendation, the district court performs a *de novo* review of the contested portions of the report. See Behar v. Pa. Dep't of Trans., 791 F. Supp. 2d 383, 389 (M.D. Pa. 2011) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n.3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(c)). In this regard, Local Rule of Court 72.3 requires written objections to "specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for those objections." LOCAL RULE OF COURT 72.3; also Behar, 791 F. Supp. 2d at 389 (citing Shields v. Astrue, Civ. No. 07-417, 2008 U.S. Dist. LEXIS 74519, at *6 (M.D. Pa. Sept. 8, 2008)).